

**TWENTY-NINTH LEGISLATIVE DAY  
MONDAY, FEBRUARY 7, 2005**

House of Representatives

The House convened at 11 a.m., the Speaker in the Chair.

Roll call showed all 70 members present.

Prayer was offered by Representative Field(18).

The Pledge of Allegiance was led by Madison Duff, Page.

**Approval of Journal**

February 7, 2005

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have read and approved the House Journal of the Twenty-sixth Legislative Day and recommend that same be adopted as corrected.

FIELD(18), Chairman

Mrs. Field(18) moved that the report be adopted. Seconded by Mrs. Boe. Report adopted.

**Consideration of Messages from the  
Governor and the Senate**

February 4, 2005

Mr. Speaker:

I transmit herewith enrolled **S 1026** and **S 1029** for the signature of the Speaker.

WOOD, Secretary

The Speaker announced he was about to sign enrolled **S 1026** and **S 1029** and, when so signed, ordered them returned to the Senate.

February 4, 2005

Mr. Speaker:

I return herewith enrolled **H 4** and **H 9** which have been signed by the President.

WOOD, Secretary

Enrolled **H 4** and **H 9** were referred to the Judiciary, Rules, and Administration Committee for delivery to the Governor.

February 4, 2005

Mr. Speaker:

I transmit herewith **S 1009**, **S 1010**, and **S 1011** which have passed the Senate.

WOOD, Secretary

**S 1009**, **S 1010**, and **S 1011** were filed for first reading.

February 4, 2005

Mr. Speaker:

I return herewith **HCR 3** and **HCR 4** which have passed the

Senate.

WOOD, Secretary

**HCR 3** and **HCR 4** were referred to the Judiciary, Rules, and Administration Committee for enrolling.

**Report of Standing Committees**

February 7, 2005

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION report that we have printed **H 109**, **H 110**, **H 111**, **H 112**, **H 113**, **H 114**, **H 115**, **H 116**, **H 117**, **H 118**, **H 119**, **H 120**, **H 121**, and **H 122**.

FIELD(18), Chairman

**H 109** and **H 110** were referred to the Revenue and Taxation Committee.

**H 111**, **H 112**, **H 113**, **H 114**, **H 115**, **H 116**, **H 117**, **H 118**, **H 119**, **H 120**, **H 121**, and **H 122** were referred to the Business Committee.

There being no objection, the House advanced to the Seventh Order of Business.

**Motions, Memorials, and Resolutions**

**HOUSE JOINT MEMORIAL NO. 3  
BY HEALTH AND WELFARE COMMITTEE  
A JOINT MEMORIAL**

TO THE SENATE AND HOUSE OF REPRESENTATIVES OF THE UNITED STATES IN CONGRESS ASSEMBLED, AND TO THE CONGRESSIONAL DELEGATION REPRESENTING THE STATE OF IDAHO IN THE CONGRESS OF THE UNITED STATES.

We, your Memorialists, the House of Representatives and the Senate of the State of Idaho assembled in the First Regular Session of the Fifty-eighth Idaho Legislature, do hereby respectfully represent that:

WHEREAS, proton therapy is a form of radiation that provides numerous advantages over conventional radiation and surgery in the treatment of many cancers, some of which are not otherwise treatable, based on the fact that it is noninvasive, painless and is performed on an outpatient basis. Protons provide a superior dose to tumors while sparing surrounding healthy tissue, eliminating painful and life-impairing side effects associated with surgery and other forms of radiation therapy; and

WHEREAS, Loma Linda University Medical Center located in California, established a research team in 1987 for the purpose of developing and designing the world's first proton beam treatment center. The research team, now known as "Optivus," maintains exclusive worldwide rights to the Loma Linda University Medical Center proprietary technology. In over a decade, the facility at Loma Linda University Medical Center has delivered in excess of 200,000 patient treatments and the market for the technology continues to grow; and

WHEREAS, the concept of a proton accelerator cancer treatment facility in Pocatello, Idaho, has been under study for a number of years; and

WHEREAS, the Portneuf Medical Center, located in Pocatello, Idaho, is in the process of an eight year expansion program with a goal of providing a single hospital facility with many services decentralized into five centers of excellence; and

WHEREAS, Optivus has the expertise to deliver, operate and maintain a proton beam treatment center, with FDA cleared technology, capable of delivering a high volume of patient treatments each year in Pocatello, Idaho; and

WHEREAS, the City of Pocatello, Bannock County, Portneuf Medical Center, and other available resources have agreed, in concept, to provide support for the development of the Pocatello Proton Accelerator Cancer Treatment Facility at or near the campus of the new Portneuf Medical Center; and

WHEREAS, the facility will provide state-of-the-art medical services to the communities of rural Idaho, the surrounding states, and other national and international markets for cancer treatment, as well as create numerous high paying jobs and generate significant revenue for the local economy; and

WHEREAS, funding for the facility will be secured through a combination of funds, debt and/or financial guarantees.

NOW, THEREFORE, BE IT RESOLVED by the members of the First Regular Session of the Fifty-eighth Idaho Legislature, the House of Representatives and the Senate concurring therein, that we urge the President and Congress to vigorously support the campaign to develop the Pocatello Proton Accelerator Cancer Treatment Facility in Pocatello, Idaho, supporting the concept that rural health is a significant issue affecting every rural community in this nation and that the development of the Pocatello Proton Accelerator Cancer Treatment Facility will not only provide much needed medical care to rural Idaho, but also to surrounding states and other national and international markets.

BE IT FURTHER RESOLVED that the Chief Clerk of the House of Representatives be, and she is hereby authorized and directed to forward a copy of this Memorial to the President of the Senate and the Speaker of the House of Representatives of Congress, and the congressional delegation representing the State of Idaho in the Congress of the United States.

**HJM 3** was introduced, read the first time by title, and referred to the Judiciary, Rules, and Administration Committee for printing.

**Introduction, First Reading, and Reference  
of Bills and Joint Resolutions**

**HOUSE BILL NO. 123**

**BY HEALTH AND WELFARE COMMITTEE**

**AN ACT**

RELATING TO CONTROLLED SUBSTANCES; AMENDING SECTION 37-2711, IDAHO CODE, TO ADD CARISOPRODOL TO SCHEDULE IV OF IDAHO CONTROLLED SUBSTANCE SCHEDULES.

**HOUSE BILL NO. 124**

**BY REVENUE AND TAXATION COMMITTEE**

**AN ACT**

RELATING TO EXEMPTIONS FROM TAXATION; AMENDING CHAPTER 6, TITLE 63, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 63-602HH, IDAHO CODE, TO PROVIDE AN EXEMPTION FROM PROPERTY TAX OF ONE HUNDRED FIFTY THOUSAND DOLLARS OF MARKET VALUE FOR ASSESSMENT PURPOSES FOR THE OWNER-OCCUPIED HOMESTEAD OF AN INDIVIDUAL SEVENTY YEARS OF AGE OR OLDER WHO IS THE RECORD OWNER HOLDING TITLE IN FEE SIMPLE OR WHO HAS RETAINED OR BEEN GRANTED A LIFE ESTATE, WHO HAS PAID IDAHO REAL PROPERTY TAXES ON IDAHO RESIDENTIAL REAL PROPERTY CONTINUOUSLY FOR THE IMMEDIATELY PRECEDING TEN YEARS AND WHO OCCUPIES THE HOMESTEAD AS THE INDIVIDUAL'S PRIMARY DWELLING PLACE; AND PROVIDING AN EFFECTIVE DATE.

**HOUSE BILL NO. 125**

**BY REVENUE AND TAXATION COMMITTEE**

**AN ACT**

RELATING TO INCOME TAX CHECKOFFS AND THE IDAHO GUARD AND RESERVE FAMILY SUPPORT FUND; AMENDING SECTION 63-3067A, IDAHO CODE, TO PROVIDE FOR DESIGNATION BY INDIVIDUALS OF INCOME TAX OVERPAYMENTS AND DONATIONS TO THE IDAHO GUARD AND RESERVE FAMILY SUPPORT FUND; AND AMENDING CHAPTER 8, TITLE 57, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 57-820, IDAHO CODE, TO CREATE THE IDAHO GUARD AND RESERVE FAMILY SUPPORT FUND IN THE STATE TREASURY AND TO CONTINUOUSLY APPROPRIATE FUNDS TO THE IDAHO GUARD AND RESERVE FAMILY SUPPORT FUND, INC.

**HOUSE BILL NO. 126**

**BY REVENUE AND TAXATION COMMITTEE**

**AN ACT**

RELATING TO TAXATION OF FOREST LANDS AND FOREST PRODUCTS; AMENDING SECTION 63-1701, IDAHO CODE, TO REVISE A DEFINITION AND TO DEFINE TERMS; AND AMENDING SECTION 63-1705, IDAHO CODE, TO PROVIDE FOR TAXATION OF FOREST LANDS UNDER THE PRODUCTIVITY OPTION, TO PROVIDE A PROCESS, TO AUTHORIZE AND DIRECT THE STATE TAX COMMISSION TO TAKE CERTAIN ACTION AND TO PROVIDE FOR THE COMMITTEE ON FOREST LAND TAXATION METHODOLOGIES; DECLARING AN EMERGENCY AND PROVIDING RETROACTIVE APPLICATION.

**H 123, H 124, H 125, and H 126** were introduced, read the first time by title, and referred to the Judiciary, Rules, and Administration Committee for printing.

**S 1009 and S 1010**, by Commerce and Human Resources Committee, were introduced, read the first time by title, and referred to the Business Committee.

**S 1011**, by Broadsword, was introduced, read the first time

by title, and referred to the Transportation and Defense Committee.

There being no objection, the House advanced to the Tenth Order of Business.

### Second Reading of Bills and Joint Resolutions

**H 1**, by Ring, Wills, Rusche, and Mitchell, was read the second time by title and filed for third reading.

### Third Reading of Bills and Joint Resolutions

**H 27** was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Roberts to open debate.

The question being, "Shall **H 27** pass?"

Roll call resulted as follows:

AYES -- Anderson, Andrus, Barraclough, Bastian, Bayer, Bedke, Bell, Bilbao, Black, Block, Boe, Bolz, Bradford, Cannon, Chadderdon, Clark, Collins, Crow, Deal, Edmunson, Ellsworth, Eskridge, Field(18), Field(23), Garrett, Hart, Harwood, Henbest, Henderson, Jaquet, Jones, Kemp, Lake, LeFavour, Martinez, Mathews, McGeachin, McKague, Miller, Mitchell, Moyle, Nielsen, Nonini, Pasley-Stuart, Pence, Raybould, Ring, Ringo, Roberts, Rusche, Rydalch, Sali, Sayler, Schaefer, Shepherd(2), Shepherd(8), Shirley, Skippen, Smith(30), Smith(24), Smylie, Snodgrass, Stevenson, Trail, Wills, Mr. Speaker. Total -- 66.

NAYS -- Barrett, Loertscher, Wood. Total -- 3.

Absent and excused -- Denney. Total -- 1.

Total -- 70.

Whereupon the Speaker declared **H 27** passed the House. Title was approved and the bill was ordered transmitted to the Senate.

**H 28** was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Clark to open debate.

Mr. Clark asked unanimous consent that, pursuant to Rule 22, discussion of other bills be allowed in debate of **H 28**. There being no objection, it was so ordered.

The question being, "Shall **H 28** pass?"

Roll call resulted as follows:

AYES -- Anderson, Andrus, Barraclough, Barrett, Bastian, Bayer, Bedke, Bell, Bilbao, Black, Block, Boe, Bolz, Cannon, Chadderdon, Clark, Collins, Crow, Deal, Edmunson, Ellsworth, Eskridge, Field(18), Field(23), Garrett, Hart, Harwood, Henbest, Henderson, Jaquet, Jones, Kemp, Lake, LeFavour, Loertscher, Martinez, Mathews, McGeachin, McKague, Miller, Mitchell,

Moyle, Nielsen, Nonini, Pasley-Stuart, Pence, Raybould, Ring, Ringo, Roberts, Rusche, Rydalch, Sali, Sayler, Schaefer, Shepherd(2), Shepherd(8), Shirley, Skippen, Smith(30), Smith(24), Smylie, Snodgrass, Stevenson, Trail, Wills, Wood, Mr. Speaker. Total -- 68.

NAYS -- None.

Absent and excused -- Bradford, Denney. Total -- 2.

Total -- 70.

Whereupon the Speaker declared **H 28** passed the House. Title was approved and the bill was ordered transmitted to the Senate.

**H 29** was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Martinez to open debate.

The question being, "Shall **H 29** pass?"

Roll call resulted as follows:

AYES -- Anderson, Andrus, Barraclough, Barrett, Bastian, Bayer, Bedke, Bell, Bilbao, Black, Block, Boe, Bolz, Cannon, Chadderdon, Clark, Collins, Crow, Deal, Denney, Edmunson, Ellsworth, Eskridge, Field(18), Field(23), Garrett, Hart, Harwood, Henbest, Henderson, Jaquet, Jones, Kemp, Lake, LeFavour, Loertscher, Martinez, Mathews, McGeachin, McKague, Miller, Mitchell, Moyle, Nielsen, Nonini, Pasley-Stuart, Pence, Raybould, Ring, Ringo, Roberts, Rusche, Rydalch, Sali, Sayler, Schaefer, Shepherd(2), Shepherd(8), Shirley, Skippen, Smith(30), Smith(24), Smylie, Snodgrass, Stevenson, Trail, Wills, Wood, Mr. Speaker. Total -- 69.

NAYS -- None.

Absent and excused -- Bradford. Total -- 1.

Total -- 70.

Whereupon the Speaker declared **H 29** passed the House. Title was approved and the bill was ordered transmitted to the Senate.

**H 31** was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Smith(24) to open debate.

The question being, "Shall **H 31** pass?"

Roll call resulted as follows:

AYES -- Anderson, Andrus, Barraclough, Barrett, Bastian, Bayer, Bedke, Bell, Bilbao, Black, Block, Boe, Bolz, Cannon, Chadderdon, Clark, Collins, Crow, Deal, Denney, Edmunson, Ellsworth, Eskridge, Field(18), Field(23), Garrett, Hart, Harwood, Henbest, Henderson, Jaquet, Jones, Kemp, Lake, LeFavour, Loertscher, Martinez, Mathews, McGeachin, McKague, Miller, Mitchell, Moyle, Nielsen, Nonini, Pasley-Stuart, Pence, Raybould, Ring, Ringo, Roberts, Rusche, Rydalch, Sali, Sayler, Schaefer, Shepherd(2), Shepherd(8),

Shirley, Skippen, Smith(30), Smith(24), Smylie, Snodgrass, Stevenson, Trail, Wills, Wood, Mr. Speaker. Total -- 69.

NAYS -- None.

Absent and excused -- Bradford. Total -- 1.

Total -- 70.

Whereupon the Speaker declared **H 31** passed the House. Title was approved and the bill was ordered transmitted to the Senate.

**HCR 6** was read the third time at length and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Shirley to open debate.

The question being, "Shall **HCR 6** be adopted?"

Roll call resulted as follows:

AYES -- Anderson, Andrus, Barraclough, Barrett, Bastian, Bedke, Bell, Bilbao, Black, Block, Boe, Bolz, Cannon, Chadderdon, Clark, Collins, Crow, Deal, Denney, Edmunson, Ellsworth, Eskridge, Field(18), Field(23), Garrett, Hart, Harwood, Henbest, Henderson, Jaquet, Jones, Kemp, Lake, LeFavour, Loertscher, Martinez, Mathews, McGeachin, McKague, Miller, Mitchell, Moyle, Nielsen, Nonini, Pasley-Stuart, Pence, Raybould, Ring, Ringo, Roberts, Rusche, Rydalch, Sali, Sayler, Shepherd(2), Shepherd(8), Shirley, Skippen, Smith(30), Smith(24), Smylie, Snodgrass, Stevenson, Trail, Wills, Wood, Mr. Speaker. Total -- 67.

NAYS -- None.

Absent and excused -- Bayer, Bradford, Schaefer. Total -- 3.  
Total -- 70.

Whereupon the Speaker declared **HCR 6** adopted and ordered the resolution transmitted to the Senate.

**H 22** was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Snodgrass to open debate.

The question being, "Shall **H 22** pass?"

Roll call resulted as follows:

AYES -- Anderson, Andrus, Barraclough, Barrett, Bastian, Bayer, Bell, Bilbao, Black, Block, Boe, Bolz, Cannon, Chadderdon, Clark, Collins, Crow, Deal, Denney, Edmunson, Ellsworth, Eskridge, Field(18), Field(23), Garrett, Hart, Harwood, Henbest, Henderson, Jaquet, Jones, Kemp, Lake, LeFavour, Loertscher, Martinez, Mathews, McGeachin, McKague, Miller, Mitchell, Moyle, Nielsen, Nonini, Pasley-Stuart, Pence, Raybould, Ring, Ringo, Roberts, Rusche, Rydalch, Sali, Sayler, Schaefer, Shepherd(2), Shepherd(8), Shirley, Skippen, Smith(30), Smylie, Snodgrass, Stevenson, Trail, Wills, Wood, Mr. Speaker. Total -- 67.

NAYS -- None.

Absent and excused -- Bedke, Bradford, Smith(24).

Total -- 3.

Total -- 70.

Whereupon the Speaker declared **H 22** passed the House. Title was approved and the bill was ordered transmitted to the Senate.

**H 24** was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Bolz to open debate.

The question being, "Shall **H 24** pass?"

Roll call resulted as follows:

AYES -- Anderson, Andrus, Barraclough, Barrett, Bastian, Bayer, Bell, Bilbao, Black, Block, Boe, Bolz, Cannon, Chadderdon, Clark, Collins, Crow, Deal, Denney, Edmunson, Ellsworth, Eskridge, Field(18), Field(23), Garrett, Hart, Harwood, Henbest, Henderson, Jaquet, Jones, Kemp, Lake, LeFavour, Loertscher, Martinez, Mathews, McGeachin, McKague, Miller, Mitchell, Moyle, Nielsen, Nonini, Pasley-Stuart, Pence, Raybould, Ring, Ringo, Roberts, Rusche, Rydalch, Sali, Sayler, Schaefer, Shepherd(2), Shepherd(8), Shirley, Skippen, Smith(30), Smylie, Snodgrass, Stevenson, Trail, Wills, Wood, Mr. Speaker. Total -- 67.

NAYS -- None.

Absent and excused -- Bedke, Bradford, Smith(24).  
Total -- 3.

Total -- 70.

Whereupon the Speaker declared **H 24** passed the House. Title was approved and the bill was ordered transmitted to the Senate.

**H 46** was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Ring to open debate.

The question being, "Shall **H 46** pass?"

Roll call resulted as follows:

AYES -- Anderson, Andrus, Barraclough, Bastian, Bayer, Bell, Bilbao, Black, Block, Boe, Cannon, Chadderdon, Clark, Collins, Crow, Deal, Denney, Edmunson, Ellsworth, Eskridge, Field(18), Field(23), Garrett, Hart, Harwood, Henbest, Henderson, Jaquet, Jones, Kemp, Lake, LeFavour, Loertscher, Martinez, Mathews, McGeachin, Miller, Mitchell, Nielsen, Nonini, Pasley-Stuart, Pence, Raybould, Ring, Ringo, Roberts, Rusche, Rydalch, Sali, Sayler, Schaefer, Shepherd(2), Shepherd(8), Shirley, Skippen, Smith(30), Smith(24), Smylie, Snodgrass, Stevenson, Trail, Wills, Wood, Mr. Speaker. Total -- 64.

NAYS -- Barrett, McKague. Total -- 2.

Absent and excused -- Bedke, Bolz, Bradford, Moyle.  
Total -- 4.

Total -- 70.

Whereupon the Speaker declared **H 46** passed the House. Title was approved and the bill was ordered transmitted to the Senate.

**H 47** was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Ring to open debate.

The question being, "Shall **H 47** pass?"

Roll call resulted as follows:

AYES -- Anderson, Andrus, Barracclough, Bastian, Bayer, Bell, Bilbao, Black, Block, Boe, Bolz, Bradford, Cannon, Chadderdon, Clark, Collins, Crow, Deal, Denney, Edmunson, Ellsworth, Eskridge, Field(18), Field(23), Garrett, Hart, Harwood, Henbest, Henderson, Jaquet, Jones, Kemp, Lake, LeFavour, Loertscher, Martinez, Mathews, McGeachin, McKague, Miller, Mitchell, Moyle, Nielsen, Nonini, Pasley-Stuart, Pence, Raybould, Ring, Ringo, Roberts, Rusche, Rydaltch, Sali, Sayler, Schaefer, Shepherd(2), Shepherd(8), Shirley, Skippen, Smith(30), Smith(24), Smylie, Snodgrass, Stevenson, Trail, Wills, Wood, Mr. Speaker. Total -- 68.

NAYS -- Barrett. Total -- 1.

Absent and excused -- Bedke. Total -- 1.

Total -- 70.

Whereupon the Speaker declared **H 47** passed the House. Title was approved and the bill was ordered transmitted to the Senate.

There being no objection, the House advanced to the Sixteenth Order of Business.

### **Adjournment**

Mr. Denney moved that the House adjourn until 11 a.m., Tuesday, February 8, 2005. Seconded by Ms. Jaquet. Motion carried.

Whereupon the Speaker declared the House adjourned at 11:41 a.m.

BRUCE NEWCOMB, Speaker

ATTEST:

PAMM JUKER, Chief Clerk